

UNITED STATES DISTRICT COURT
FOR THE STATE OF RHODE ISLAND

2019 FEB 21 P 2:43

ERIC CAMPBELL
KELLY CAMPBELL

Case No.

Plaintiff

**COMPLAINT FOR DECLARATORY
JUDGEMENT TO RESCIND
FORECLOSURE**

V.

RHODE ISLAND HOUSING AND
MORTGAGE FINANCE CORPORATION

Defendants.

CA 19- 079

ERIC CAMPBELL
KELLY CAMPBELL
80 Thomas Avenue
Pawtucket, Rhode Island
Telephone: 401-338-2217

Prose-ERIC and KELLY CAMPBELL

For its complaint, Plaintiffs, Eric and Kelly Campbell-Prose, avers as follows:

THE PARTIES

1. Plaintiffs, Eric and Kelly Campbell are a married couple who have owned their home at 80 Thomas Avenue, Pawtucket, RI 02860, for at least 14 years. Plaintiff, Eric Campbell has been rendered totally disable from a stress related stroke a little less than a year ago that has left him with partial paralysis and mental trauma. Plaintiff, Kelly Campbell was a school teacher for 25 years who now stays home to take care of her now disable husband and minor disable child on a full time basis.

2. Defendants, Rhode Island Housing and Mortgage Finance Corporation is a self-sustaining public agency of the State of Rhode Island. The Corporation is put in place to provide low-interest loans, grants, education, advocacy and consumer counseling to help customers rent, buy and retain their homes. The Corporation also offers special programs to help homeowners that may have difficulty in maintaining their mortgage such as, "loan modification" as well as their, "Hardest Hit Fund" which is a big campaign that the Defendants has going on where they are giving \$50 to \$75.000 off the initial principal on their customers mortgages to avoid foreclosures.

VENUE AND JURISDICTION

3. Jurisdiction is proper in this most Honorable Court because this litigation arises under federal law due to the failure of Rhode Island Housing and Finance Corporation to correct the errors which were made and by their failure to rescind the foreclosure. The Notice of Error process renders the Federal Court the proper place for jurisdiction, which would allow

this Declaratory Judgement complaint to be filed in this Honorable Courthouse asking that the foreclosure be rescinded.

GENERAL ALLEGATIONS

This is a case that instead of the Defendants' abiding by the law there is concrete proof that the Defendants broke the law in their un-lawful pursuit in foreclosing the Plaintiffs' home right underneath the Plaintiffs' nose without any proper warning whatsoever or even aid from the Defendants' whom main objective is geared at to help their customers, through their loan modification programs, Hardest Hit Fund, advocacy, grants, consumer counseling, etc...etc...to buy and most important to retain their home. In this case you will note that the Rhode Island Housing and Finance Corporation did none of the above in order to help the Plaintiffs' maintain their home especially once the Plaintiff, Eric Campbell suffered a debilitating stroke that totally disabled him which struck him down due to the stress of the Defendants' and the Plaintiff's lawyer whom walked off of their case for no reason whatsoever on December 27, 2018 after the Plaintiff's paid their attorney \$7,850 to represent them in this most un-just action by the Defendants. The Plaintiff's attorney whom walked off of their case did not reimburse the Plaintiffs' for the unused portion of their retainer as noted in the Plaintiffs' **(EXHIBIT A)** which is a "Spenddown letter" and "E-Mail" asking for the Plaintiffs' former attorney to please respond whereas as of this date the attorney still has not complied with the Plaintiffs' request which has forced the Plaintiffs to try and represent themselves (due to their lack of money) in this most disturbing case of an obvious predatory lending corporation that practices in unfair, deceptive and fraudulent

behavior which is opposite of what they advertise as noted. The Plaintiffs' has went to the local authorities to report their former attorney not giving them any of their money back as well as the Plaintiffs' are now drafting up a letter to complain to the Rhode Island Supreme Court Ethics Board to report their former attorney's un-ethical behavior. The Plaintiffs are alleging that the Defendants' in their pursuit to take away their home has sent them a default notice that was defective as it did not comply with the terms of the mortgage. The Plaintiffs also did not receive an acceleration letter as required by the terms of the mortgage as well. The list goes on with the unlawful behavior of the Defendants in regards to the fact that the Plaintiffs also did not receive from the Defendants a "Notice of Mediation" as required by RIGL 34-27-3.2. The Defendants are not exempt from the provisions of this statute unless it provides loss mitigation services to the homeowners before it commences foreclosure. The Plaintiffs did not receive any loss mitigation services from the Defendants prior to it sending the Plaintiffs a notice pursuant to RIGL 34-27-4. The Plaintiffs ask of the Honorable Court to also note that the Defendants' violated the provisions of 12 CFR 1024.41 and foreclosed despite the receipt of a complete loss mitigation package, which the Defendants refused to review as required by Federal Law. Instead of reviewing the Plaintiffs as required by 12 CFR 1024.41 when a package was received, it denied any loss mitigation options without a written response to the Plaintiffs. It ought to be clear to this most Honorable Court that the Defendants are out of order in their unlawful foreclosure that through the mercy of the court should be rescinded. Due to the Plaintiffs not having proper representation from their attorney who at the last minute took their money and walked off of their on-going case with the Defendants'

on December 27, 2018 has un-justly helped the Defendants to crucify the Plaintiffs' figuratively speaking. The Defendants are aware the Plaintiffs doesn't have an attorney as well as also being aware that the Plaintiff, Eric Campbell has suffered a massive stroke and is now pretty much voiceless as his speech is impaired and he also suffers from partial paralysis which completely makes the Plaintiffs very vulnerable and easy targets for the Defendants to ripped them out of their family home that they enjoyed for years and years and totally violating the Plaintiffs' Civil Rights to be treated the same as everyone else and giving the opportunity to save their home like many of their other long term homeowners that have minor children and never mind the fact that one of the homeowners became disable which across the board it is known that there are many programs that can and will help a disable individual through no fault of their own help to save their home they enjoyed for at least 14 years now.

CLAIMS FOR RELIEF

CLAIM ONE

(Declaratory Judgement asking that the foreclosure be rescinded)

1. The Plaintiffs incorporates all of the allegations in the Plaintiff's "General Allegations" inclusive.
2. The Defendants has violated numerous laws by sending the Plaintiffs a "defective default letter", nor did they receive an " acceleration letter" as required by the terms of their mortgage, the Plaintiffs also did not receive a "Notice of Mediation" as required by RIGL 34-27-
3. The Plaintiffs did not receive any loss mitigation services from the Defendants prior to it sending the Plaintiffs a "Notice pursuant to RIGL 34-27-4." The Defendants are also guilty of

violating the provisions of 12 CFR 1024.41 and foreclosed despite the receipt of a complete loss mitigation package which it refused to review which is a requirement of Federal Law and instead of reviewing the Plaintiffs as required by law when the package was received the Defendants denied any loss mitigation options without a written response to the Plaintiffs whereas the list of violations by the Defendants against the Plaintiffs is immeasurable and should not go unnoticed by the Honorable Court.

4. The Plaintiffs seeks Declaratory Judgement from this most Honorable Court to rescind the Defendants' unlawful foreclosure action on the grounds that the Defendants did not follow the proper protocol in their pursuit to illegally foreclose on the Plaintiffs' home especially when the Plaintiffs were diligent in trying to save their home when they did in fact fill out a "complete loss mitigation package" that was not even looked at by the Defendants which once again violated the Plaintiffs' rights. The Defendants are simply and clearly capitalizing on the fact that the Plaintiffs lack Council and that one of the Plaintiffs has been struck down with a terrible stroke disabling him to the magnitude that he now is crippled and voiceless although the Plaintiff still tries to help his wife explain things as the wife has been recently diagnosed with P.T.S.D. from the unlawful foreclosure that the Plaintiffs are to this day dealing with alone without proper representation even though they paid for it which is another outcry of injustice.

PRAYER FOR RELIEF

WHEREFORE, The Plaintiffs respectively request that the Honorable Court:

Enter judgement according to the declaratory relief sought and award the Plaintiff its cost in this action and such other relief in which the Plaintiff may be entitled as a matter of law or

equity, or which the Court determines to be just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, the Plaintiffs demands a jury trial on all issues so triable.

Dated: February 19, 2019

By: Eric and Kelly Campbell-Prose

A handwritten signature in cursive script, appearing to read "Eric Campbell-Prose".

Kelly Campbell